

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LESLIE ANNE HALL, *et al.*

Plaintiffs,

v.

CITY OF PLEASANTON *et al.*,

Defendants.

Case No.: 15-cv-1546-YGR

**ORDER GRANTING MOTION TO DISMISS;
REFERRING TO MAGISTRATE FOR
SETTLEMENT CONFERENCE; VACATING CASE
MANAGEMENT CONFERENCE**

Re: Dkt. No. 29

Plaintiffs Leslie Ann Hall, her two minor children P. Hall R. Hall, and Cody Hall bring this civil action against defendants City of Pleasanton, Chief of Police Dave Spiller, Sergeant Mark Reimer, Detective Michael Wilson, Officer Tujague, and Officer Steve Ayers (collectively, “defendants”) for claims arising from their execution of a search warrant at plaintiffs’ residence. Plaintiffs allege two claims under 42 U.S.C. section 1983, specifically: (1) against all defendants except for Chief Spiller for violation of their rights under the Fourth and Fourteenth Amendments, and (2) against the City, Chief Spiller, and Sergeant Reimer for ratifying and condoning the unlawful conduct of the other defendants.

Defendants filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) on the grounds that plaintiffs have failed to state a claim against them. (Dkt. No. 29, “Mtn.”) Having carefully considered the papers submitted and the pleadings in this action, and for the reasons set forth in full detail on the record on December 1, 2015, defendants’ motion to dismiss is **GRANTED WITH LEAVE TO AMEND**. Plaintiffs shall file a second amended complaint no later than **January 29, 2016**.

Moreover, and pursuant to Local Rule 72-1, this matter is hereby **REFERRED** to Magistrate Judge Westmore to conduct a mandatory settlement conference by no later than January 22, 2016. The parties will be advised of the date, time, and place of the settlement conference by notice from Judge Westmore.

1 The Case Management Conference currently set for January 25, 2016 is hereby **VACATED**.
2 **IT IS SO ORDERED.**

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4 Dated: December 2, 2015


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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